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Colleen Lombard

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Anthony Rosenzweig et al.	Confirmation No.:	9779
Serial No.:	10/534,314	Art Unit:	1635
371(c) Date:	October 24, 2005	Examiner:	B. Whiteman
Customer No.:	21559		
Title:	METHODS FOR TREATING, PREVENTING, OR REDUCING CARDIAC DISORDERS USING FADD INHIBITORS		

Mail Stop Amendment
Commissioner for Patents
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Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

In reply to the Restriction Requirement that was mailed in connection with the above-captioned case on May 25, 2006, Applicants elect the invention of Group III, claim 29. The election is made with traverse.

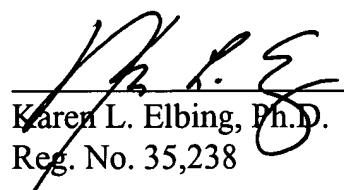
Applicants believe that the requirement for restriction is in error. In the Requirement, the Office has restricted the claims of the above-captioned application into Groups I-VII on the basis that Chao et al. (*J. Biol. Chem.* 277:31639-31645, 2002; hereafter "Chao") contains the technical feature linking these Groups. The Office further

states (page 5 of the Requirement; emphasis added), “the technical feature linking the inventions of groups I-VII does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.” The Office has erred in concluding Chao to be prior art in the present application. This publication represents Applicants’ own work published less than one year prior to filing and therefore does not constitute prior art under 35 U.S.C. § 102. Accordingly, the basis on which the Office has required restriction is improper, and all claims thus contain a single general inventive concept under PCT Rule 13.1 and 37 C.F.R. § 1.475. For this reason, the Restriction Requirement should be withdrawn, and all groups examined in this application.

Applicants believe no fee is due, as this response is being filed within the one (1) month shortened statutory period set by the Office. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 22 June 2006


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